

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In RE:

KING, RAYMOND,  
KING, GAYLE,

Debtors.

Case No.: 04-60433  
Chapter 7

**MOTION TO COMPEL TURNOVER OF ESTATE PROPERTY**

TO: The United States Bankruptcy Court, the United States Trustee, the Debtors, the Debtors' attorney, and all parties who requested notice under Bankruptcy Rule 2002.

1. David G. Velde moves the court for the relief requested below and gives notice of hearing.
2. The court will hold a hearing on this motion on September 29, 2004, at 10:00 a.m., US Bankruptcy Court, 204 U.S. Courthouse, 118 South Mill Street, Fergus Falls, Minnesota, or as soon thereafter as counsel can be heard.
3. Any response to this motion must be filed and served not later than September 20, 2004, at 10:00 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than September 15, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. This proceeding is a core proceeding. The petition commencing this chapter 7 case was filed on April 13, 2004. The case is now pending in this court.
5. This motion arises under 11 U.S.C. § 542. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules 6072-1. Movant requests the turnover of certain property specifically, information relaying who owns the annuity to which the debtors receive a monthly income of \$731 and terms of the annuity.

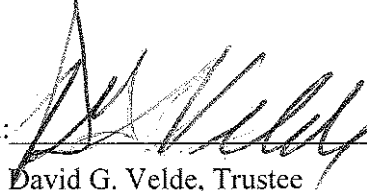
6. That the annuity is not the subject of any reported collateral interest in the petition and is not eligible nor are they characterized as exempt under Schedule C.
7. Despite demand for surrender of same the Trustee has not received this information.

**Wherefore,** David G. Velde moves the court for an order directing the turnover of the assets and for such further relief that may be just and equitable.

**Verification.** I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on 8/10/04.

Signed: \_\_\_\_\_

  
David G. Velde, Trustee  
1118 Broadway  
Alexandria, MN 56308  
(320) 763-6561

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**ORDER**

David G. Velde, the Trustee in this matter, filed a Motion to Compel the Turnover of Estate Property. The motion was set for hearing on September 29, 2004, at 10:00 a.m. The Court does, based upon the record arising from said motion, order that:

The Trustee's Motion to Compel the Turnover of Estate Property is sustained and that the Debtors are hereby ordered to deliver to the Movant the following specific property: information relaying who owns the annuity to which the debtors receive a monthly income of \$731 and terms of the annuity.

Dated:

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Judge Dennis D. O'Brien  
US Bankruptcy Court

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF DOUGLAS     )

Julie A. Dolman, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 16<sup>th</sup> day of August, 2004, she served the attached Motion to Compel Turnover of Estate Property and proposed Order, by electronically filing with:


US Bankruptcy Court  
204 PO Building  
118 S. Mill Street  
Fergus Falls MN 56537

and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena  
US Trustee  
1015 US Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

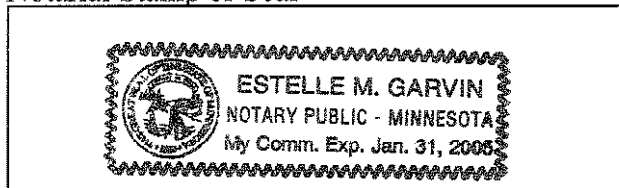
Kevin T. Duffy  
Attorney at Law  
P.O. Box 715  
Thief River Falls, MN 56701

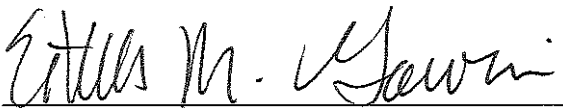
Raymond and Gayle King  
1612 - 21<sup>st</sup> Street NW  
East Grand Forks MN 56721

  
Julie A. Dolman

Subscribed and sworn to before me this 16<sup>th</sup> day of August, 2004.

Notarial Stamp or Seal



  
Notary Public